

PRF 46542-1

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8  
9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12  
13 IN RE APPLE iPhone 4 PRODUCTS  
14 LIABILITY LITIGATION  
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Case No. 5:10-md-02188-RMW

**DEFENDANT APPLE INC.'S  
NOTICE OF CLASS SETTLEMENT  
PURSUANT TO 28 U.S.C. § 1715**

Judge: Hon. Ronald M. Whyte

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FEB 24 2012  
A. KLESTOFF**

1 Defendant Apple Inc. ("Apple"), by its undersigned attorneys, hereby gives notice  
 2 pursuant to 28 U.S.C. § 1715 of the proposed settlement of the above-captioned action, *In re*  
 3 *Apple iPhone Products Liability Litigation*. As required by 28 U.S.C. § 1715, Apple states as  
 4 follows:

5 1. Between June and September 2010, Plaintiffs filed 15 class action complaints  
 6 against Apple in the United States District Courts for the Northern District of California, the  
 7 District of Massachusetts, the District of Maryland, the Middle District of Tennessee, and the  
 8 Southern District of Texas. These actions were titled *Goodglick v. Apple, Inc.*, et al., Northern  
 9 District of California Case No. 10-cv-2862; *Benvenisty v. Apple, Inc.*, Northern District of  
 10 California Case No. 10-cv-2885; *Dydyk v. Apple, Inc.*, Northern District of California Case No.  
 11 10-cv-2897; *Rodgers v. Apple, Inc.*, Northern District of California Case No. 10-cv-2916; *Popik*  
 12 *v. Apple, Inc.*, et al., Northern District of California Case No. 10-cv-2928; *Tietze v. Apple Inc.*,  
 13 Northern District of California Case No. 10-cv-2929; *Fasano v. Apple, Inc.*, et al., Northern  
 14 District of California Case No. 10-cv-3010; *Mayo v. Apple, Inc.*, et al., Northern District of  
 15 California Case No. 10-cv-3017; *Aguilera v. Apple, Inc.*, et al., Northern District of California  
 16 Case 10-cv-3056; *Milrot v. Apple Inc.*, et al., Northern District of California Case No. 10-cv-  
 17 4117; *Gionis v. Apple, Inc.*, et al., District of Massachusetts Case No. 10-cv-11110; *McCaffrey v.*  
 18 *Apple, Inc.*, et al., District of Maryland Case No. 10-cv-1776; *Purdue v. Apple, Inc.*, et al., Middle  
 19 District of Tennessee Case No. 10-cv-687; *Nguyen v. Apple, Inc.*, Southern District of Texas Case  
 20 No. 10-cv-252; and *Noble v. Apple Inc.*, Northern District of California Case No. 10-cv-3957. A  
 21 sixteenth action, *DeRose v. Apple Inc.*, Southern District of Florida Case No. 10-cv-61502, was  
 22 originally filed in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward  
 23 County, Florida, and removed to the Southern District of Florida. A seventeenth action, *Bensberg*  
 24 *v. Apple Inc. et al.*, Central District of California Case No. 10-cv-1146, was originally filed in the  
 25 in Los Angeles Superior Court, and removed to the Central District of California. These actions  
 26 were consolidated by the Judicial Panel on Multidistrict Litigation in the Northern District of  
 27 California pursuant to 28 U.S.C. § 1407. An eighteenth action, *Blackwell v. Apple Inc. et al.*,  
 28 Northern District of California Case No. 11-cv-01453, was filed on March 25, 2011, and a

1 nineteenth action, *Magat v. Apple Inc.*, Central District of California Case No. 11-cv-00938, was  
2 filed on June 23, 2011. These nineteen actions will be referred to herein as “the Actions.” A  
3 Master Consolidated Complaint was filed in the Actions on February 7, 2011 (the “Master  
4 Complaint”). True and accurate copies of the complaints in the Actions, the Master Complaint,  
5 and all materials filed therewith are Exhibit 1 on the enclosed CD.

6         2. The parties agreed to settle this matter by executing the Stipulation of Settlement  
7 that is Exhibit 2 on the enclosed CD. On February 10, 2012, plaintiffs filed the Stipulation of  
8 Settlement along with a Notice of Motion and Motion for Preliminary Approval of Class Action  
9 Settlement with the Honorable Ronald M. Whyte. On February 17, 2012, the Court granted  
10 Plaintiff’s Motion for Preliminary Approval of Class Action Settlement. At 9:00 a.m. on July 13,  
11 2012, in Courtroom 6 of the United States District Court for the Northern District of California,  
12 San Jose Division, 280 South 1st Street, San Jose, California 95113, the Court will hold a hearing  
13 on final approval of the settlement.

14         3. Apple shall disseminate notice to the settlement class as detailed in Section IV and  
15 Exhibits A and B of the Stipulation of Settlement (Exhibit 2 on the enclosed CD). Apple shall e-  
16 mail a copy of the Summary Notice of Settlement (“Summary Notice”) substantially in the form  
17 attached as Exhibit B to the Stipulation of Settlement (Exhibit 2 on the enclosed CD) to all  
18 settlement class members for whom Apple has an e-mail address. The Summary Notice will also  
19 be published in nationwide publications — *USA Today* and *Macworld*. In addition, the Class  
20 Notice and Claim Form substantially in the form attached as Exhibits A and C to the Stipulation  
21 of Settlement (Exhibit 2 on the enclosed CD) will be made available via the Internet on a  
22 Settlement Website. The Summary Notice will provide recipients with the website address  
23 discussing the settlement, a toll-free number to request copies of the Class Notice and Claim  
24 Form, and the address of class counsel to whom class members may write for further information.  
25 Each form of Notice described in this paragraph informs class members of their rights to request  
26 exclusion from the class action.

27         4. No settlement or agreement other than that reflected in Exhibit 2 on the enclosed  
28 CD was contemporaneously made between class counsel and counsel for Apple.

5. At this time, no final judgment has been reached nor has there been any notice of dismissal. The parties have submitted to the Court a proposed Final Judgment and Order Approving Settlement and Dismissing Claims as Exhibit E to the Stipulation of Settlement (Exhibit 2 on the enclosed CD).

6. Due to the number of class members, it is not feasible to provide the names of class members who reside in each state. The parties estimate that approximately 24 million iPhone 4 units subject to the Stipulation of Settlement were sold. A reasonable estimate of the number of class members residing in each state and the proportionate share of the claims of such class members is provided as follows:

<i>State</i>	<i>Estimated Number of Class Members</i>	<i>Estimated Proportionate Share of Claims</i>
AK	100,000	0.42%
AL	294,000	1.23%
AR	239,000	1.00%
AZ	388,000	1.62%
CA	3,778,000	15.74%
CO	413,000	1.72%
CT	368,000	1.53%
DC	78,000	0.32%
DE	74,000	0.31%
FL	1,489,000	6.20%
GA	710,000	2.96%
HI	137,000	0.57%
IA	114,000	0.47%
ID	82,000	0.34%
IL	909,000	3.79%
IN	406,000	1.69%
KS	158,000	0.66%
KY	291,000	1.21%
LA	473,000	1.97%
MA	676,000	2.82%
MD	490,000	2.04%
ME	70,000	0.29%

1	MI	564,000	2.35%
2	MN	322,000	1.34%
3	MO	368,000	1.53%
4	MS	152,000	0.64%
5	MT	45,000	0.19%
6	NC	554,000	2.31%
7	ND	31,000	0.13%
8	NE	89,000	0.37%
9	NH	98,000	0.41%
10	NJ	903,000	3.76%
11	NM	101,000	0.42%
12	NV	234,000	0.98%
13	NY	1,775,000	7.40%
14	OH	679,000	2.83%
15	OK	319,000	1.33%
16	OR	299,000	1.24%
17	PA	946,000	3.94%
18	RI	80,000	0.33%
19	SC	249,000	1.04%
20	SD	31,000	0.13%
21	TN	412,000	1.72%
22	TX	2,234,000	9.31%
23	UT	191,000	0.79%
24	VA	631,000	2.63%
25	VT	46,000	0.19%
26	WA	545,000	2.27%
27	WI	231,000	0.96%
28	WV	101,000	0.42%
	WY	31,000	0.13%

7. Judge Whyte's Order Granting Conditional Certification of a Settlement Class, Approval of Forms and Methods of Notice, and Preliminary Approval of Settlement Agreement and Release is Exhibit 3 on the enclosed CD. At this time, there has been no other judicial opinion relating to the materials described in subparagraphs (3) through (6) of 28 U.S.C. § 1715(b).

8. The foregoing information is provided based on the data currently available to Apple and on the status of the proceedings at the time of the submission of this notice. Apple

1 reserves its right to provide updated information concerning the proposed settlement or upon  
2 request.  
3

4 Dated: February 21, 2012

PENELOPE A. PREOVOLOS  
ANDREW D. MUHLBACH  
ALEXEI KLESTOFF  
MORRISON & FOERSTER LLP

7 By: /s/ Penelope A. Preovolos  
8 Penelope A. Preovolos

9 *Attorneys for Defendant*  
10 APPLE INC.  
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PRF 46542-2

1 Kurtzman Carson Consultants, LLC  
2 75 Rowland Way, Suite 250  
3 Novato, CA 94945  
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5 *Claims Administrator*  
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7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

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12 IN RE APPLE IPHONE 4 PRODUCTS  
13 LIABILITY LITIGATION  
14

Case No. 5:10-md-02188-RMW

**DEFENDANT APPLE INC.'S  
CERTIFICATE OF SERVICE BY  
MAIL**

Judge: Hon. Ronald M. Whyte



**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with Kurtzman Carson Consultants, LLC, whose address is 75 Rowland Way, Novato, California 94945; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Kurtzman Carson Consultants, LLC's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Kurtzman Carson Consultants, LLC's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Kurtzman Carson Consultants, LLC with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**DEFENDANT APPLE INC.'S NOTICE OF CLASS  
SETTLEMENT PURSUANT TO 28 U.S.C. § 1715**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Kurtzman Carson Consultants, LLC 75 Rowland Way, Novato, California 94945, in accordance with Kurtzman Carson Consultants, LLC's ordinary business practices:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the above is true and correct.

Executed at Novato, California, this 21st day of February, 2012.

\_\_\_\_\_  
Jeff Gyomber  
(typed)

\_\_\_\_\_  
/s/ Jeff Gyomber  
(signature)



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